NCRTD SPECIAL BOARD MEETING MINUTES
Tuesday August 12, 2008
Santa Fe County Attorney's Conference Room
102 Grant Avenue
Santa Fe, NM 87501

1. CALL TO ORDER:

A special meeting of the NCRTD Board was called to order by Vice Chair Alfred Herrera at approximately 5:00 p. m. on the above date in the Santa Fe County Attorney's Conference Room, Santa Fe, New Mexico.

a. PLEDGE OF ALLEGIANCE
b. STATE PLEDGE
c. MOMENT OF SILENCE
d. ROLL CALL

Roll call indicated the presence of a quorum as follows:

Members Present

Councilor Alfred Herrera, Vice Chair - City of Española
Mr. Anthony Mortillaro, Los Alamos County
Mr. Sammy Pacheco, Taos County
Mr. Tomás Campos, Rio Arriba County
Commissioner Charles Gonzales, Taos County
Mr. Charles Dorame, Tesuque Pueblo
Councilor Jim West, Los Alamos County

NCRTD Staff Present

Ms. Josette Lucero, Executive Director
Ms. Linda Trujillo, Regional Coordinator
Mr. Jack Valencia, Transit Project Manager
Mr. Mark Basham, NCRTD Attorney

Ms. Resha Spero, Executive Assistant

Others Present

Mr. Dave Harris- NMDOT
Mr. Gregg White-NMDOT
Ms. Charmaine Clair- stenographer

e. INTRODUCTIONS

There were no introductions.

f. APPROVAL OF THE AGENDA

Councilor West moved to approve the agenda as proposed. Commissioner Gonzales seconded the motion and it passed by unanimous voice vote.

g. APPROVAL OF MINUTES:

July 3, 2008
July 25, 2008

Councilor West moved to approve the minutes of July 3 and July 25, 2008 minutes. Commissioner Gonzales seconded the motion and it passed by unanimous voice vote.

2. ACTION AND/OR DISCUSSION ITEMS (PUBLIC HEARINGS):

a. NCRTD RESOLUTION 2008-11: COMMITTING THE NCRTD TO PROVIDE COUNTY OF SANTA FE WITH 86% OF THE REVENUE DERIVED FROM 1/16 OF ONE PERCENT OF THE PROPOSED COUNTY REGIONAL TRANSIT GROSS RECEIPT TAX LEVIED IN SANTA FE COUNTY IF APPROVED AT THE NOVEMBER 4, 2008 GENERAL ELECTION

Previously passed by the Board of County Commissioners of Santa Fe County.

b. NCRTD RESOLUTION 2008-12: ALLOWING THE COUNTY OF SANTA FE TO JOIN AS A MEMBER OF THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT

Ms. Lucero stated that resolution # 2008-12 had been passed.
Mr. Basham read item #2 accepting the conditions of the resolution.
Ms. Lucero said that item #5 through item #8 had been added to the resolution.

Mr. Pacheco said something had been deleted on the Board of County Commissioner's request and asked what it was.
Ms. Lucero said the deleted item was now in the JPA language.
Mr. Basham explained that they didn't work from the resolution enclosed in the packet.
Ms. Lucero said she would pass around the packet that had been included in the packet for the Board earlier.
Mr. Basham said item #3 regarding the remaining 14% of the revenue reflected on item #C would be discussed today.
Commissioner Gonzales asked if any changes had been made to item #1.
Mr. Basham said to simplify he would call the resolution that Commissioner Sullivan had presented on page 2, Sullivan's Resolution. He indicated the bolded script was contained and everything in the lighter print was newly added.
He continued that Item B, 2008-3 in the packets and Item #5 specifically asked if Santa Fe County and Rio Metro would be allowed to contract out in order to connect to the Rail Runner and meet transit needs. The agreement stated they would be allowed.
Ms. Lucero said item #14 in the NCRTD resolution was item "a" in their packets.
Commissioner West said #5 meant that the NCRTD would fund the City and the County would use their funding for what was needed. He said that in item #6, the remaining 14% that was being referred to represented about $300,000.
Ms. Lucero said Commissioner Montoya indicated to her, though not in writing, that part of the 86% would be used for the connective service.
Commissioner Gonzales asked how the money would be routed.
Ms. Lucero said the financial documents had been given to the NCRTD.
Mr. Gonzales asked if item #5 meant the NCRTD would be in charge of the gross receipts funds and the Rail Runner would be funneled through the NCRTD.
Ms. Lucero replied that half of that would be returned to the NCRTD.
Chairman Herrera said he had considered the District's proposal and in order to move forward, he preferred they would be reflected in the NCRTD for accounting and auditing purposes.
Mr. Pacheco asked if the sequence of receipts would have to go through Santa Fe County.

Commissioner West said they would. He thought they understood how the gross receipts tax worked.
Mr. Campos wondered if the County understood they were giving up 1/16 of the gross receipts tax.
Ms. Lucero said they were aware of that.
Commissioner West said he would prefer that the NCRTD books be audited rather than the County's.
Chairman Herrera said he hoped the responsibility of the NCRTD staff would be minimal as they would serve as a pass-through and the receiving entity would be subject to their books being audited. He said it was a plus that the NCRTD would not be involved in the fiscal aspect.
Commissioner Gonzales said the minutes should reflect that the NCRTD was not the fiscal agent and this had been discussed by the Board.
Ms. Lucero passed around a breakdown of the financial responsibility.
Chairman Herrera said for discussion purposes they were talking about money that (he hoped) would be future gross receipts tax generated when the tax passed and not *all* of the funds generated by the NCRTD.
Commissioner Gonzales asked where in the resolution it stated that Santa Fe County would need to provide service for the Pueblos.
Chairman Herrera said to stay within the service plan it would reflect where the funds were going and NCRTD would decide on how the funds would be distributed. He said the service plan was two pronged- if the service was provided directly and if that entity provided service.
Commissioner West said the County would determine the services they wanted and the NCRTD would bid on those services to get some of the 86% returned. He said this was different than in their own counties and it was reasonable to assume there would be times some counties wouldn't be getting dollar for dollar for services and funds might be spent in one place more than in another.
Mr. Campos asked in reference to the 1/16 if that would actually go for Rail Runner operations.
Mr. Valencia replied it would but only be for the ones in Santa Fe County.
Mr. Campos said he didn't see any benefit.
Mr. Valencia said this would just be the funding portion. The NCRTD had eliminated the threat that concerned everyone.
Mr. Campos said Santa Fe County had never addressed what they planned for to do with the Pueblos.
Mr. Valencia said it gave the NCRTD an opportunity to bid on an area they were familiar with and had a good chance of being awarded the bid.

Commissioner West said the Pueblos would get their share of the gross receipts tax in the service plan.
Commissioner Gonzales said he wanted the plan to state that the Pueblos would get their 14%.
Commissioner West said he thought that *had* been stated.
Commissioner Gonzales asked where the Pueblos match came from.
Ms. Lucero said their match would come as everyone's did, out of their General Fund.
Mr. Campos said the Mayor was reportedly trying to move the Pueblos under the Rio Arriba County.
Mr. Dorame said the Boards had realized the Pueblos hadn't heard from anyone.
Commissioner West said the County wouldn't be able to obligate them, but the Pueblos had the power to make decisions.
Chairman Herrera said that many of the Pueblos were within Santa Fe County and hoped that would be taken to heart. The Pueblos were also a part of the NCRTD as their own entity. This would be how they would provide service to the counties.
Mr. Dorame said it would be nicer if Santa Fe County sat down with the Pueblos and indicated where their service would be coming from.
Mr. Pacheco asked if Santa Fe County had withdrawn from the NCRTD.
Mr. Basham said they had. The NCRTD resolution stated they would have to be voted back in.
Ms. Lucero said items #7 and #8 were paragraphs in the resolution that her discussions with Commissioner Montoya had not covered. She said she received a phone call from him after the discussion asking about the two resolutions #7 and #8. She said after she discussed the items with Mr. Basham he suggested they could add the language "in accordance with ".
Mr. Basham said the NCRTD was committed to following the ACT and had been willing to give up the 86% so he thought the language would be reasonable.
Commissioner West said item # 7 said the same thing it just hadn't referenced the ACT.
Ms. Lucero said that was what they said.
Chairman Herrera said the withdrawal provisions had been clearly outlined in a three party agreement and would require negotiations between the three parties. Santa Fe County asked that this be included and NCRTD thought to move them forward he would agree.
Mr. Dorame thought the Commissioner's seemed to make decisions for the tribe and asked if the

Pueblos had been included when item #7 was written regarding withdrawal.
Ms. Lucero replied that in her discussion with the Commissioner of Tesuque he indicated his desire for the Pueblo to continue their relationship with the County and he recognized the County couldn't make decisions for the Pueblos. The Pueblos were a separate entity and with their own voice.
Mr. Dorame said the Pueblos paid gross receipts tax and the tribes should be recognized as having their own identity, not as under the collective of Santa Fe County.
Chairman Herrera clarified that what Tesuque Pueblo had said was they *did* have their own voice.
Commissioner Gonzales asked about the withdrawal language process and what that would mean for the Pueblos.
Mr. Basham said when the day came that Santa Fe County decided to withdraw they would need to discuss it with the Pueblos.
Chairman Herrera said the Pueblos could make their own decision regarding withdrawal.
Councilor West said the Pueblos were still members and entities in their own right, and even if the County withdrew it wouldn't automatically withdraw the Pueblos.
Commissioner Gonzales asked if the process of withdrawing was described.
Mr. Basham said a sentence would be added that said the Pueblos would not automatically be withdrawn if Santa Fe County withdrew.
Mr. Valencia said what Santa Fe County did would not affect the Pueblos.
Mr. Herrera asked the members of the DOT what they thought.
Mr. White from the DOT said they wanted the City of Santa Fe and Santa Fe County to have services that didn't overlap and that it would be easier to work with one Regional Transit than two operations.
Mr. Pacheco brought up the *sunset clause.* He asked if in future elections Santa Fe would still be on the hook like everyone else.
Mr. Basham said they would be.
Mr. Valencia said the intent had been to work together to support each other.
Ms. Lucero said on item # 8 the NCRTD Board responded to the County that they strongly disagreed. She said the County would not agree to paragraph 2.
Ms. Lucero said the NCRTD addressed the Santa Fe County Commission and said they wouldn't agree to their change. She said the suggested replacement in the agreement was insert #4 which replaced the part of the resolution (item #8) they each had been in disagreement with.

Commissioner West said the JPA protected them and gave the NCRTD equal power.
Mr. Valencia said each of them would have equal power.
Ms. Lucero said in the NCRTD resolution that had passed it stated identical ordinances would have to be held for joint elections that called for a 1/8 joint receipts tax.
The resolution was read by Mr. Basham.
Chairman Herrera asked if anyone, having heard the discussion and the points wanted to make a motion.
Mr. Valencia pointed out for the record, that 2/3 of the voters were represented (12 of the 14 voters) as required when a new member was accepted.
Ms. Lucero said the voting unit had been made of population.
Commissioner West said with the changes Mr. Basham suggested in the resolution the NCRTD was protected.
Councilor West moved to adopt the resolution as amended. Mr. Campos seconded the motion and it passed by a unanimous voice vote.
Mr. Gonzales said he wanted to reference the Act.
Mr. Pacheco said he needed clarification on what Mr. Valencia's comment of 2/3 being represented meant. He asked if it was 2/3 of the voting unit or 2/3 of those present.
Mr. Valencia said he thought it was of the voters represented.
Mr. Pacheco read that it would have to be 2/3 of the voting *units* so 12 of the 14 members would be needed in order for this to pass.
Mr. Herrera said the votes had to be counted.
Ms. Lucero said when the County withdrew the NCRTD had approved a new voting unit.
A voting count was called with each member of the NCRTD voting orally and all members voted yes.
The vote was unanimous with 14 yes votes, resulting in more than the 2/3 of the voting unit required.

c. NCRTD RESOLUTION 2008-13: DIRECTING THE COUNTY COMMISSIONERS OF SANTA FE COUNTY TO ADOPT IDENTICAL ORDINANCES CALLING FOR A JOINT ELECTION TO IMPOSE A GROSS RECEIPTS TAX OF ONE EIGHT OF ONE PERCENT

Ms. Lucero said that a new resolution, 2008-13, must be approved for her to return to Santa Fe County and show the resolution had been approved.
Mr. Gonzales asked when the time-line was for voting.
Mr. Basham said Santa Fe County would need the NCRTD to approve the two ordinances by September 9, 2008.
Councilor West moved to adopt the resolutions. Mr. Dorame seconded the motion and it passed by unanimous voice vote.

4. MISCELLANEOUS

None

5. NEXT BOARD MEETING: FRIDAY, SEPTEMBER 5, 2008

Mr. Herrera thanked the Board members and the staff for their hard work and complimented Ms. Lucero for her leadership in the work that had been done. He said that NCRTD had worked hard to keep everyone together and hoped they would now focus their energy and efforts in another direction.
Ms. Trujillo said without going in depth, the ridership had increased on every route.

6. ADJOURN

Mr. Basham moved to adjourn. Mr. Gonzales seconded the motion and it passed by unanimous voice vote.
The meeting was adjourned at 6:20 p.m.